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Record of Decision for the Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands Land and Resource Management Plan

**Cibola National Forest and National
Grasslands in New Mexico,
Oklahoma, and Texas**

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Cibola National Forest and National Grasslands in New Mexico, Oklahoma, and Texas

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Introduction

This public record of decision (ROD) documents my decision and rationale for approving the new “Land and Resource Management Plan for the Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands” (plan). These grassland units (herein collectively referred to as the “Cibola Grasslands”) are administered by the Cibola National Forest and National Grasslands Supervisor’s Office in Albuquerque, NM. Previously, there was one land and resource management plan for the Cibola Grasslands in New Mexico, Oklahoma, and Texas and the forested, mountain districts of the Cibola National Forest in New Mexico. That plan was approved in 1985. In 2006 plan development efforts for a new, separate Cibola Grasslands plan were initiated. This new Cibola Grasslands plan will guide all resource management activities on the four national grasslands for the next 10 to 15 years.

The Kiowa National Grassland covers 137,537 acres and is located within Mora, Harding, Union, and Colfax Counties, NM, with the district office located in Clayton, NM. The Rita Blanca National Grassland covers 92,989 acres and is located within Dallam County, TX, and Cimarron County, OK, with the district office also located in Clayton, NM. The Black Kettle National Grassland covers 31,286 acres and is located within Roger Mills County, OK, and Hemphill County, TX. The McClellan Creek National Grassland covers 1,449 acres and is located in Gray County, TX. The district office for both the Black Kettle and McClellan Creek National Grasslands is located in Cheyenne, OK. The Kiowa National Grassland resides in the third Congressional District of New Mexico, the Rita Blanca and Black Kettle in the 13th Congressional District of Texas and the third Congressional District of Oklahoma, and the McClellan Creek National Grassland in the 13th Congressional District of Texas.

The Cibola Grasslands are made up of approximately 125 separate parcels interspersed with private or state ownerships within the southern Great Plains landscape. The vegetation of the Cibola Grasslands is predominantly shortgrass prairie, but also contains mixed grass prairie, shinnery oak, mixed hardwood riparian, sand sagebrush, cottonwood/willow and pinyon-juniper types. These vegetation types contribute to availability of native and, in some cases, underrepresented prairie habitats and conservation of uncommon and unique species. The Cibola Grasslands contain significant scenic, heritage (historic and prehistoric), and paleontological (fossil) resources which offer opportunities for the public to learn about the past and appreciate the resources and beauty of the Cibola Grasslands. These important resources and others provide opportunities to base tourism businesses on a variety of recreation activities and visitation of historic and cultural sites.

Livestock grazing on the Cibola Grasslands contributes to maintaining the ranching culture and lifestyle of these rural areas and improves the fiscal sustainability of local ranching operations. Over 96 percent of the Cibola Grasslands are used by permit holders to graze their livestock. This use of the Cibola Grasslands contributes to the social and economic well-being of this area while not compromising the sustainability of native prairie ecosystems. Similarly, the Cibola Grasslands provide opportunities for oil and natural gas extraction that contribute to meeting the Nation’s energy needs. The Cibola Grasslands may also play a future role for alternative energy development such as wind energy. These energy development activities are undertaken only after evaluation and mitigation of adverse effects to other resource values.

Land and Resource Management Planning

With this decision, the selected alternative will become the new Cibola Grasslands plan. This new Cibola Grasslands plan is part of the long-range resource planning framework established by the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), the Government Performance and Results Act of 1993 (GPRA), and the 2007 Revision of the USDA Forest Service Strategic Plan. The National Forest Management Act of 1976 (NFMA) requires all units of the National Forest System to develop plans that direct resource management activities on the forests. These plans are to be revised when conditions have changed significantly, or on a 10- to 15-year cycle.

The final programmatic environmental impact statement (FPEIS) and new Cibola Grasslands plan were developed according to the NFMA, its implementing regulations at 36 Code of Federal Regulations (CFR) 219; the National Environmental Policy Act of 1969 (NEPA), the Council of Environmental Quality (CEQ) regulations at 40 CFR 1500–1508, and the Forest Service NEPA regulations at 36 CFR 220. According to transition language of the 2012 Planning Rule at 36 CFR 219.17(b)(3), the responsible official may elect to use the provisions of the prior planning regulations (1982 Planning Rule, dated September 30, 1982, and as amended) to prepare plan amendments and revisions. For this revision of the “Cibola National Forest Land and Resource Management Plan” in creating the new Cibola Grasslands plan, I have elected to follow the provisions of the planning regulations in effect prior to November 9, 2000, referred to collectively in this document as the 1982 Rule.

The FPEIS discloses the environmental consequences of the alternative management strategies and how they respond to issues and concerns.

This decision applies only to National Forest System lands of the Cibola Grasslands located in the aforementioned counties. It does not apply to any other Federal, State, or private lands, although the effects of these lands and the effects of my decision on lands surrounding the national grasslands are also considered.

Collaboration and Public Involvement

Collaboration efforts during the evaluation, development, scoping, and NEPA phases of the planning process employed a number of formats and styles. These included public workshops, field days, and focus groups. Federal and state interagency conferences, briefing and listening sessions with local governments, congressional staffs, tribes, and nongovernmental organizations were also held. In addition to personal contacts, opportunities for input by Internet have been available for 5 years. The plan development process began with a Forest Service (FS) interdisciplinary team (IDT) identifying elements for retention from the 1985 “Cibola National Forest Land and Resource Management Plan” that were applicable to the grassland units. Public collaboration began with the identification of needs for change to the 1985 Cibola NF plan related to the grasslands. Collaboration continued through the development of plan components for the draft Cibola Grasslands plan and the development of alternatives to the draft Cibola Grasslands plan.

Discussions with the public regarding needs for change to the 1985 plan began with a series of public meetings in 2006. Over the ensuing 5 years, a total of 23 public meetings were held with various individuals and organizations, other Federal and state agencies, and local governments.

Seven assessment and needs for change meetings were held in 2006. In 2007, two meetings were held to brief the public and the Harding and Mora County commissioners on the “Kiowa National Grassland Wilderness Evaluation Report—Canadian River Potential Wilderness Area” (PWA). In 2009, two focus group meetings were held to receive input on desired conditions for the ecological and socioeconomic goods and services. In April 2010, following the notice of intent (NOI) to prepare an EIS, five scoping meetings were held in different locations near the Cibola Grasslands. The purpose of the scoping meetings was to determine if other alternatives to achieving the desired conditions existed; if guidelines and standards were sufficient; and development of monitoring elements to determine progress on objectives. During the period July 13-21, 2010, three open interagency meetings with state and Federal wildlife agencies including Oklahoma Department of Wildlife Conservation, U.S. Fish and Wildlife Service, Texas Department of Parks and Wildlife, and the New Mexico Department of Game and Fish were conducted. The purpose of these meetings was to receive input from state and Federal biologists on identifying and selecting management indicator species and ecological indicators. These indicators would serve to evaluate EIS alternatives and future monitoring of important wildlife species and vegetation types.

In addition to the above, annual government-to-government consultations addressing plan development were held with tribes having historical ties to the Cibola Grasslands. Those tribes are the Mescalero Apache Tribe, Jicarilla Apache Nation, Cheyenne and Arapaho Tribes, Apache Tribe of Oklahoma, Comanche Nation, Kiowa Tribe, and Wichita and Affiliated Tribes. Tribal members also occasionally attended public meetings and conveyed stories passed down from ancestors describing traditional uses of certain areas.

The proposed plan and draft EIS were released for comment on September 30, 2011. In November 2011, three public meetings were held near the Cibola Grasslands to inform the public and solicit comments during the 90-day comment period.

Needs-for-Change

Three needs-for-change themes to the current 1985 Cibola National Forest plan emerged from the early and extensive collaboration with the public. These themes were addressed early in the planning process through development of plan components for the proposed plan. These needs-for-change themes were:

1. **Ecosystem Diversity:** moving vegetation types toward desired vegetation structure and species composition; controlling invasive species, and anticipating and responding to climate change.
2. **Managed Recreation:** providing direction that is specific to the Cibola Grasslands, relative to management of motorized, dispersed, and developed recreation opportunities, areas of high scenic integrity, and possible designation of special areas.
3. **Human Influences:** providing adequate grasslands-specific direction regarding the management and monitoring of livestock grazing (this issue was largely addressed by subsequent NEPA decisions); the placement, maintenance, or rehabilitation of energy development sites; the use of planned fire or response to unplanned fire; and the allowance of special uses such as mineral extraction, utility corridors, firewood harvesting, and research activities.

Alternatives

During the iterative development of the proposed plan, an issue arose regarding wilderness. Some members of the public expressed a desire that the Mills Canyon area be recommend for wilderness designation; others were not in favor of such a recommendation. This impasse in development of the proposed plan led to the development of another alternative which analyzed Mills Canyon as recommended wilderness. A total of three alternatives were analyzed in detail in the EIS, the no action alternative (alternative A – the current 1985 plan), the proposed plan (alternative B), and the wilderness alternative (alternative C). A description of each follows.

Alternative A

Alternative A would recommend the continuance of the 1985 “Cibola National Forest Land and Resource Management Plan” (as amended) for the Cibola Grasslands for the next 15 years. The current plan:

- Does not identify the uniqueness of grassland vegetation types or provide specificity on how land management tools and processes would affect species composition and vegetation structure, other than directing that shinnery oak be treated and converted to grassland;
- Emphasizes forage for sustained livestock yields and technology to improve range conditions;
- Does not address climate change, control of invasive species, or wind energy development;
- Is silent on dispersed recreation other than motorized use and does not provide direction for managing nature-based tourism on the Cibola Grasslands;
- Has no plan direction for special areas such as the Santa Fe National Historic Trail or the two scenic byways on the Cibola Grasslands;
- Has little scenery resource direction other than relating to vegetation management or tree harvest; and
- Does not recommend wilderness designation for Mills Canyon nor does it delineate Mills Canyon and its remarkable features as a distinct management area.

Several concerns with the current plan led the Agency to develop alternatives to alternative A:

- The age of the current plan, the lack of detail relevant to management of the Cibola Grasslands, and silence on emerging issues (wind energy, climate change, invasive species) affecting the Cibola Grasslands;
- The often evident ambiguity of the stated management direction of the current plan with the actual, science-based, adaptive management currently occurring on the Cibola Grasslands; and
- The desire by some members of the public to have the regional forester propose to Congress the designation of a portion of the Canadian River Inventoried Roadless Area on the Kiowa NG as a wilderness area, a suggestion opposed by others.

Alternative B

This alternative was developed to address the needs for change to the 1985 Cibola National Forest plan. It was developed through a “rolling alternative” collaborative process from 2006 through 2011, consistent with the concept of incremental changes to a proposed action or alternative (FS NEPA regulations at 36 CFR 220 5(e)(1)). It is the proposed plan and would provide direction for the Cibola Grasslands for the next 15 years. This alternative:

- Defines and emphasizes management of vegetation and habitat to move toward desired vegetation structure and species composition;
- Incorporates research and potential strategies for addressing effects of climate change;
- Addresses invasive species control on all grasslands;
- Provides directions for wind energy development;
- Removes redundancy with law, regulation, and policy;
- Provides more direction for conservation of habitats associated with species at risk;
- Provides direction on nature-based tourism and more and clearer direction to management of recreation, scenery, and other activities and resources than alternative A;
- Establishes a management area for Mills Canyon with plan components that conserve and protect the remarkable features of the area and provides direction for special areas; and
- Clearly articulates the application of adaptive management and brings current science to all management direction.

Alternative C

In response to the issue raised by some members of the public of their desire to have more wilderness, this alternative was developed to make a recommendation to designate the Kiowa NG Canadian River Inventoried Roadless Area (IRA), located in Mills Canyon, as the Canadian River Potential Wilderness Area. Specific plan components for a wilderness area designation would be developed if this alternative was selected and approved by Congress and the President. Management within the potential wilderness area would be governed by Wilderness Act regulations as described in FSM 2320. All other management direction in alternative C would be identical to that of alternative B.

My Decision

I select alternative B from the FPEIS for the new “Land and Resource Management Plan for the Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands.”

By selecting alternative B as the Cibola Grasslands plan, I am confident that the desired conditions, objectives, standards, guidelines, monitoring elements, and suitability designations will:

- Move the Cibola Grasslands’ vegetation types toward historical reference condition for species composition and maintain those types in reference condition for structure;
- Emphasize sustaining available potential and/or suitable habitats for federally listed and at-risk species that occur on or near the Cibola Grasslands;
- Improve the Cibola Grasslands’ watersheds toward Class 1 condition and toward proper functioning condition of all streams, riparian, and wetland features;
- Maintain or increase the Cibola Grasslands’ ability to adapt and respond to climate change;
- Focus efforts on controlling nonnative invasive species;
- Delineate and preserve the Mills Canyon Management Area’s unique and outstanding recreational and natural features and values;
- Contribute to local economies and the quality of life of residents and visitors by providing opportunities for hunting, fishing, and boating (on lakes on the Black Kettle and McClellan Creek NGs), camping, and nature-based tourism activities;
- Emphasize managing the scenic quality of the pastoral/agricultural landscapes of the Cibola Grasslands;
- Facilitate adaptive management of livestock to conserve soil and ensure a diversity of healthy herbaceous and woody plant communities and animal habitats, while contributing to local economies;
- Support wind energy production and facilitate its development on appropriate sites while mitigating impacts to other resources and values; and
- Contribute to meeting the Nation’s energy needs through oil and gas extraction while minimizing impacts to other resources and values and rehabilitating retired oil and gas and mineral extraction sites.

Components of the Decision

Components of plan decisions are outlined in the National Forest Management Act (1976). A plan establishes a framework for future decisionmaking by outlining a broad, interdisciplinary program for achieving the desired goals, objectives, and future conditions of the Cibola Grasslands. A plan does not make a commitment to the selection of any specific project and does not dictate day-to-day administrative activities needed to carry on the Forest Service’s internal operations. However, by applying grasslands-wide management direction, the plan is implemented through the design, execution, and monitoring of site-specific activities.

The decisions I am making in this record of decision for the new Cibola Grasslands plan are:

Establishment of grasslands-wide multiple-use goals (characterized by desired conditions) and objectives (1982 Rule, Section 219.11(b)).

These are found in part 2 of the new Cibola Grasslands plan. The desired conditions for the Cibola Grasslands are focused around three main themes: (1) ecosystem restoration and maintenance of vegetation and habitats toward historical reference condition; (2) management of recreation and scenery resources in support of social and economic opportunities; and (3) managing consumptive and nonconsumptive land uses in ways that are socially and economically sustainable. The objectives provide ways of achieving the desired conditions through specific outcomes.

Establishment of grasslands-wide management requirements (standards and guidelines) (1982 Rule, Section 219.27)

Grasslands-wide standards and guidelines are found in part 2 of the new Cibola Grasslands plan. Standards are limitations on actions or thresholds not to be exceeded. Guidelines are requirements that must be followed unless a different management action demonstrably achieves the same intent as the guideline. After careful review, I believe that the standards and guidelines provide adequate requirements for management, provide for resource protection, and serve to illustrate the intent of the new plan. To simplify the planning document, direction that would duplicate laws, policies, Forest Service Manual, and Forest Service Handbook direction or other regional directives is not included.

Establishment of management prescriptions and associated standards and guidelines (1982 Rule, Section 219.11(c)).

Three management prescriptions, called “management areas” (MAs), will guide the design and implementation of future actions. The management areas are described in parts 3 and 4 of the new plan and are delineated on the management area maps. Boundaries are identified using ecological units, administrative boundaries, or other physical, biological, and social features. The management areas are:

- Black Kettle and McClellan Creek Management Area
- Kiowa and Rita Blanca Management Area
- Mills Canyon Management Area (which includes the Canadian River Potential Wilderness Area, which was evaluated but not recommended for designation)

In addition, there are specific plan components for the Santa Fe National Historic Trail, the Santa Fe National Scenic Byway, the La Frontera del Llano Scenic Byway, and the Canadian Eligible Scenic River, all within the Kiowa and Rita Blanca Management Area.

Land within the Cibola Grasslands may be assigned to more than one management area. For example, Mills Canyon MA is nested within the Kiowa

and Rita Blanca MA. In such cases, the most restrictive plan direction would apply to the area of overlap.

Determination of land that is suitable for timber production (1982 Rule, Section 219.14) and establishment of the allowable sale quantity (ASQ) of timber (1982 Rule, Section 219.16).

The analysis and discussion of lands suitable for timber production are found in part 5 of the new plan. No acres on the Cibola Grasslands are designated suitable for timber production.

Recommendations for nonwilderness allocations and recommendations for wilderness status (1982 Rule, Section 219.17).

The Canadian River Inventoried Roadless Area on the Kiowa National Grassland was evaluated for potential wilderness recommendation and considered and analyzed as an alternative in the FPEIS for the new plan. Based upon: (1) the low to medium ratings of this evaluation; (2) my confidence that the features of Mills Canyon so special to so many can be protected through the plan direction afforded in the nonwilderness alternative B; and (3) the lack of support for wilderness from the local governments and community, I have chosen not to recommend designation of the Canadian River Potential Wilderness Area. There are no other parcels that qualify for evaluation as potential wilderness.

Recommendations for wild and scenic rivers or other special use designations as appropriate (1982 Rule, Section 219.17).

The Canadian River is eligible for designation as a scenic river, however, no additional wild and scenic rivers are being recommended at this time. The outstandingly remarkable values of the Canadian River on the Kiowa National Grassland will be protected. The new plan establishes plan components for the eligible scenic river corridor. Appendix C of the FPEIS documents the values within this river corridor.

The new plan identifies and provides plan components for three designated special areas. These areas have unique historic or scenic and/or recreational values. These areas are described in part 4 of the new plan and identified on the special areas and eligible scenic river map.

Designation of lands suitable for grazing and browsing (1982 Rule, Section 219.20).

Approximately 99 percent of the Cibola Grasslands are suitable for livestock grazing, with approximately 96 percent currently being used by permittees to graze cattle. The 3 percent not being utilized are acres of unobligated allotments. Part 5 of the new plan discusses grazing suitability and identifies criteria where land is generally not suitable for livestock use.

Establishment of monitoring and evaluation requirements (1982 Rule, Section 219.11(d)).

Monitoring and evaluation requirements are found in part 4 of the new Cibola Grasslands plan. Specific monitoring questions are identified and directly linked to the plan desired conditions, objectives, standards, and specific regulatory requirements. These requirements ensure that the approach described in the new Cibola Grasslands plan is adaptive, and that sustainability is being achieved or adjustments will be made.

Determination of lands administratively available for oil and gas leasing (36 CFR 228.102(d))

This determination is not a part of the Cibola Grasslands plan.

Rationale for Decision

My decision to select alternative B as the new “Land and Resource Management Plan for the Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands” is based on a careful and reasoned comparison of the environmental consequences of and responses to issues and concerns for each alternative. I selected alternative B because it represents the best mix and balance of management strategies that: (1) are responsive to the issues, concerns, and opportunities expressed by the public and other agencies; (2) establish ambitious but achievable objectives for ecosystem restoration and maintenance, recreation opportunities, and management; and (3) manage consumptive and nonconsumptive land uses in ways that are socially and economically sustainable.

Both alternatives B and C would provide the same amount of ecosystem restoration through vegetation management with tools such as adaptive management of livestock use, chemical or mechanical control of invasive species, and prescribed burning. Both would provide similar emphasis on recreation and scenery management. Both take into account the potential for energy and mineral resource developments and provide standards and guidelines for these potential uses to conserve all the resources of the national grasslands. Both alternatives have the same suitable uses. The only difference between the two is that alternative B establishes a Mills Canyon MA that preserves the semiprimitive features of approximately 7,911 acres, in contrast to alternative C which recommends establishment of a wilderness area on approximately 76 percent of the land that otherwise would be occupied by the Mills Canyon MA. So let me elaborate on my reasoning for choosing alternative B.

I am confident in the wilderness evaluation process that the Cibola National Forest conducted in 2007–2008 that documented at best only a medium rating for capability and availability and a low rating for need. I also have the greatest confidence that the features that makes Mills Canyon so special to so many can be well protected through the plan direction afforded in alternative B that establishes a Mills Canyon MA, replete with its own plan desired conditions, objectives, standards, and guidelines. Finally, the recommendation for a Canadian River Wilderness Area has no strong local support from either Harding or Mora County, the two counties closest to the Mills Canyon area. For the above reasons, I have chosen not to select alternative C.

Let me acknowledge that 10 nongovernmental organizations advocated—during the draft EIS comment period—for recommending designation of the Canadian River Potential Wilderness Area as wilderness. These groups were a mix of state, regional, and national organizations. A few unaffiliated New Mexico residents also advocated for alternative C.

I did not select alternative A because it does not address the needs for change identified in the “Analysis of the Management Situation.” It does **not**: (1) provide direction to restore native grassland ecosystems; (2) anticipate and respond to changes in climate; (3) incorporate adaptive management toward ecosystem based desired conditions within the livestock grazing program; (4) provide adequate direction for conservation of at-risk species; (5) address potential wind energy development; and (6) focus attention on nature-based tourism nor provide adequate protection for scenery resources of the national grasslands to the extent warranted by public demand and use levels.

The new Cibola Grasslands plan is responsive to the Forest Service’s National Strategic Plan (2007), and it meets our legal obligations to the people and environment that surrounds them. The optimal implementation rate for the new plan could require higher funding levels in some areas than those currently allocated; however, I believe the management direction changes envisioned in the new plan can be implemented under current budget levels. The attainment of desired conditions and outputs in some areas, however, may be prolonged or reduced if future budgets decrease.

In summary, I believe alternative B sets the framework for future decisions equal to or better than the other alternatives because it:

- Best addresses the needs for change to the current plan as identified by the Cibola Grasslands’ partners and public;
- Includes best available science and reasonable strategies to address viability concerns for at-risk wildlife species that occur on the Cibola Grasslands;
- Restores native ecosystems at a reasonable pace and maintains those at reference condition;
- Assures habitats are adequate to support positive trends for MIS species;
- Includes reasonable strategies for treating nonnative invasive species;
- Allows adaptively managed livestock grazing to contribute to local economies by providing jobs and income and supporting ranches as working landscapes;
- Provides appropriate management and protection for cultural resources;
- Assures recreation and nature-based tourism opportunities are responsive to visitor demand while avoiding unneeded construction, reconstruction, or unneeded capacity;
- Protects outstanding remarkable values of the river corridor eligible for scenic river status;
- Protects the remarkable features and solitude, tranquility, and naturalness values of Mills Canyon while allowing for management flexibility in responding to climate change and invasive species, and in using planned or unplanned fire, in order to move vegetation types in Mills Canyon to historical reference condition;

- Includes best management practice guidelines that minimize or mitigate impacts to other resources and values from oil, gas, or wind energy development;
- Reduces risks to life, property, and other resources from planned or unplanned fire;
- Emphasizes the collaboration with local communities and governments, other Federal and state agencies to create a shared vision about the cultural and environmental attributes that make this area special;
- Adequately addresses the need for resilient and adaptable ecosystems in the face of climate change; and
- Adequately responds to comments on the draft EIS and proposed plan.

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

Response to Public Concerns

In response to the notice of intent published in the Federal Register in January 2010, an issue was raised by some environmental nongovernmental organizations that Mills Canyon should be rigorously protected from off-road vehicle use and its back-country features preserved. That warranted development of an additional alternative (alternative C, the wilderness alternative). This alternative was presented and analyzed in the draft EIS.

Other concerns were raised during the alternatives scoping period and/or the draft EIS comment period, and those that were appropriate plan revision issues were addressed as follows:

Concern regarding designating Research Natural Areas (RNAs).

This issue was considered as an alternative but eliminated from detailed study, and the DEIS provides extensive documentation of the analytic process and decision framework leading to the conclusion not to recommend RNAs.

Concern over the residual spacing of thinned pinyon and juniper trees on the Kiowa and Rita Blanca MA.

To respond to this issue the proposed plan (alternative B) was changed to include additional objectives and guidelines based on recent and best available science to govern the residual structure of live and dead trees in pinyon-juniper stands.

Concern advocating controlling, reducing, or eliminating wherever possible motorized recreation to preserve soil condition.

The proposed plan (alternative B) supports with plan components the designated motor vehicle use map (MVUM) that already exists for the Black Kettle and McClellan Creek MA. The decision notice on the “Travel Management Environmental Assessment for the Kiowa and Rita Blanca Management Area” has recently been signed. The MVUM for this MA should be available by fall

2012. Alternative B supports that MVUM with plan components as well, so no change to the new plan or FPEIS was warranted.

Concern advocating marking of fences in all suitable Lesser-Prairie Chicken (LPC) habitats on the Black Kettle and McClellan Creek MA

An objective was added to the proposed plan to mark between 25 and 50 percent of fences in suitable habitat within 10 years in mixed grass prairie and shinnery oak vegetation.

Environmental groups advocated for reintroducing bison and LPC.

Plans do not reintroduce species; they provide conditions that allow for future species introduction decisions. A mix of plan desired conditions, objectives, and guidelines for the mixed-grass, sand sagebrush, and shinnery oak vegetation types provide for suitable LPC habitat. The new plan will not inhibit future reintroduction decisions. In the FPEIS, this concern was addressed as an alternative considered but eliminated from detailed study.

Environmental groups commented that the proposed alternative over-emphasized livestock grazing, or requested an alternative to exclude livestock grazing.

The preferred alternative is consistent with the Multiple Use–Sustained Yield Act; it emphasizes ecological restoration and sustainability while providing for multiple uses that include livestock grazing. In the FPEIS, this concern was addressed as an alternative considered but eliminated from detailed study.

Some commenters believe that the DEIS considered an inadequate range of alternatives or failed to meet requirements of NEPA.

Several key points in the DEIS, including the concept of an incremental, rolling alternative and discussion of alternatives considered but not analyzed in detail, support conclusion that the EIS was developed in full compliance with NEPA requirements. In the FPEIS, this concern was addressed as an alternative considered but eliminated from detailed study.

A commenter raised the issue that sand sagebrush shrub density was not sufficient to provide habitat for the LPC. Another commenter suggested the addition of an ecological indicator for monitoring the sand sagebrush type.

A desired condition for sand sagebrush was changed to reflect the best available science for LPC habitat, raising the shrub density from 2 to 10 percent to greater than or equal to, on average, 15 percent, based on best available science. An ecological indicator (areal extent of the vegetation type) for sand sagebrush was added as a monitoring element.

All changes to either the new plan or FPEIS, whether prompted by public comment or internal review, remain within the range of alternatives analyzed within the DEIS. The most pronounced

change to the new plan was the addition of a guideline, prompted by internal review, that designs buffers around designated and eligible National Register of Historic Places. The wording in a guideline concerning livestock use was changed, also as a result of internal review, to govern use around playa lakes in summer months when water is present. Errors in acreage for black-tailed prairie dog (BTPD) habitat and Recreation Opportunity Spectrum classes were corrected in the FPEIS. Other changes were editorial in nature.

Management Concerns

In addition to the planning issues and public comments, the following factors were considered in making my decision:

- consistency with applicable laws, policies, manual, and handbook direction that govern the development of a forest plan and management of national forest lands;
- promotion of rural economic development and a quality rural environment;
- the effects on the people who use and depend on forest resources;
- consistency with plans and policies of local, state, and other national government agencies; and
- operational and budget needs to fully implement the plan decision.

Alternatives Considered but Eliminated From Detailed Study

Five additional alternative plan contents were considered in the process of developing a proposed plan. These alternatives were considered, but then eliminated from detailed study. They are: (1) an expanded version of alternative C, the Canadian River Potential Wilderness Area alternative that would have included additional acreage and built features; (2) designation of three research natural areas (RNAs); (3) a species reintroduction alternative; (4) an alternative that deemphasized or disallowed livestock grazing; and (5) alternatives that focus on a single resource emphasis such as wildlife, water quality, soil productivity, ecotourism, open spaces, renewable energy, and nonmotorized recreation.

These alternatives were considered during the planning process but eliminated from detailed study because they were: (1) incompatible with wilderness values and would increase potential for illegal access and problems of enforcement; (2) did not meet regional criteria for recommendation or designation as a RNA; (3) plans do not reintroduce species; that decision is made by Federal and/or state wildlife agencies, which were consulted with frequently during the plan revision and NEPA/ESA analyses. Plans do provide for suitable habitat upon which future reintroduction decisions can be made, and alternatives B and C provide for that outcome; (4) plan components for adaptive management of livestock allow for deemphasizing livestock use at any time in response to drought or other considerations and these plan components were features of all analyzed alternatives. Disallowing livestock use is not consistent with the Multiple Use–Sustained Yield Act that allows for multiple uses, including livestock grazing, while providing for ecological sustainability; and (5) additional alternatives that emphasize management of single resources, goods, or services were considered but eliminated from detailed study because alternatives B and C provide sufficient flexibility and guidance to accommodate all of those

resources, and they are not mutually exclusive. Both alternatives provide plan components (desired conditions, objectives, guidelines or standards, suitability, and monitoring elements) for each of these resources, goods, or services. Forest Service Manual and Forest Service Handbook directives, laws, regulations, and policy provide additional management guidance for these resources, goods, and services, and were identified by topic area in appendix D of alternatives B and C. Thus, single-resource emphasis alternatives were considered but eliminated from detailed study.

Environmentally Preferable Alternative

The Council on Environmental Quality has defined the “environmentally preferable” alternative as: “...the alternative that will promote the national environmental policy as expressed in NEPA’s section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.”

Alternative B is the environmentally preferable alternative. It is more protective of the environment than alternative A, as is alternative C. Alternative B would provide slightly more management flexibility in treating and controlling the invasive salt cedar tree in the Canadian River corridor and for implementing planned fire for fuel reduction or wildlife objectives than would be provided by alternative C, the wilderness recommendation alternative. With regard to motorized recreation, neither alternative B nor C would allow motorized recreation activity outside of the excluded NFS system road corridor.

Net Public Benefits

The 1982 National Forest Management Act (NFMA) implementing regulations (36 CFR 219.1) state that forest plans must “...provide for multiple-use and sustained yield of goods and services from the National Forest System in a way that maximizes long-term net public benefits in an environmentally sound manner.” Net public benefits can be defined as the overall value to the Nation of all outputs (benefits) and positive effects, less all associated inputs (costs) and negative effects, whether they can be quantitatively valued or not. Therefore, public net benefits have two components: priced and nonpriced benefits and costs.

Priced benefits and costs: Prices for outputs and uses were estimated in the FPEIS for each alternative and displayed in chapter three. The present net value (PNV) was used to measure the economic efficiency of each alternative. All alternatives fall within 1 percent of the highest PNV, which is alternative A. Therefore, in terms of priced benefits and costs, the range is fairly narrow among alternatives.

Nonpriced benefits and costs: The difference between alternative A and alternatives B and C becomes much wider when nonpriced benefits and costs are considered. Some of the important nonpriced benefits include native ecosystem restoration; restoring habitat for threatened, endangered, or sensitive species; water quality; and conservation of special interest areas. For example, with regard to the restoration of the unique grasslands vegetation types and habitats and control of invasive species, alternative A does not provide high public benefits, due to the lack of restoration emphasis. Alternatives B and C provide similarly high net public benefits in this regard.

I believe that alternatives B and C provide direction to manage the national grasslands to produce goods, services, and use opportunities in a way that maximizes net public benefits. Based on the preceding discussions, it is clear that alternatives B and C have the greatest overall positive impacts on the environment and generate 99 percent of the market valued commodities of alternative A. Alternatives B and C achieve a balance between the economic benefits and environmental issues and concerns voiced by the public. I believe either alternative B or C will increase public benefits by moving the Cibola Grasslands toward improved grasslands health through their emphasis on restoring native ecosystems and through their special attention to unique plant and animal habitats. I believe either of these alternatives will contribute to the local economies through outputs of livestock use, energy and minerals development, and recreation opportunities. With my choice of alternative B (for the reasons I articulated earlier in my “Rationale for the Decision”) I am confident that management direction in the new Cibola Grasslands plan is within the physical and biological capability of the land and can be accomplished without reducing that capability.

Science Consistency

I find this decision to be consistent with the application of the best available scientific information utilized throughout the plan development process; during assessment of the original 1985 Cibola NF Plan for needs for change to better reflect management of the Cibola Grasslands, during plan development and evaluation, and during development of the plan monitoring program. Scientific conclusions are drawn from well-supported data sources, and data availability is disclosed. No unproven or controversial data or methods are used in analyses. Sources of information are referenced, and syntheses do not go beyond what the data indicate. Science was considered and applied throughout the revision process, with this final decision on the new plan for the Cibola Grasslands consistent with the appropriate application of that science to the Cibola Grasslands situation.

Project Consistency

I am providing the following transition direction to ensure the orderly implementation of the revised forest plan that is made in this record of decision. The new direction will apply to all project decisions made on or after the effective date of this decision. The new direction does not apply to any projects that have had decisions made prior to the effective date of this decision. Projects currently under contract, permit, or other authorizing instrument are not affected by the decision; however, projects may be modified to adopt all or part of this direction where Forest Service managers deem appropriate. Reissuance of existing authorizations will be treated as new decisions, which must be consistent with the new direction described in the revised forest plan subject to valid existing rights.

During implementation, management activities (projects) affecting the Cibola Grasslands need to be consistent with the new plan. This consistency will be achieved in the following ways: Management activities will be developed specifically to achieve the desired conditions, goals, or objectives of the new plan. To the extent practicable, documentation for such projects should identify the elements of the desired conditions, goals, or objectives to be achieved by the project. It should not be expected that all projects or activities would contribute to all desired conditions, goals, or objectives, but rather to a limited subset. It should also be recognized that some projects designed to contribute to some desired conditions, goals, or objectives may have consequences

considered adverse to the achievement of other desired conditions, goals, or objectives. In this situation, the responsible official for the project needs to identify and disclose these effects in the project documentation and make a decision that balances these considerations.

A forest or grasslands plan is used as a direction source for future projects, plans, and assessments. It is not expected that this new direction be used to reevaluate or change decisions that have been made under the previously existing Cibola NF plan. A smooth and gradual transition to the new plan is anticipated, rather than one that forces an immediate reexamination or modification of all contracts, projects, permits, and other activities that are already in progress. As new project decisions, contracts, permits, renewals, and other activities are considered, conformance to the new plan direction is expected.

Compatibility with Goals of Other Public Agencies and Indian Tribes

The new Cibola Grasslands plan has been developed with public participation that involved coordination and comments from Federal, state, and local agencies including the USDI Fish and Wildlife Service, States of New Mexico, Oklahoma, and Texas wildlife and natural resource agencies, and local government and community leaders. Contact with the Apache Tribe of Oklahoma, Cheyenne and Arapaho Tribes, Comanche Nation, Kiowa Tribe, Jicarilla Apache Nation, Mescalero Apache, and Wichita and Affiliated Tribes clarified that their interests are largely addressed through project-level analysis as the plan is implemented in the years to come.

Environmental Justice

Executive Order 12898 (59 Federal Register 7629, 1994) directs Federal agencies to identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations in the local communities. I have determined, from the analysis disclosed in the FPEIS, that the new Cibola Grasslands plan is in compliance with Executive Order 12898. However, due to the high proportion of Hispanic and American Indian residents in the area addressed by the plan, decision makers on the Cibola Grasslands should pay careful attention to the potential health impacts of management actions upon those ethnic groups. Additionally, because a substantial proportion of the existing population in the vicinity of the Cibola Grasslands are considered as a low income group based upon U.S. Census Bureau data, decisions regarding future management actions on the Cibola Grasslands should carefully assess the effects on low income populations. Overall, though, the themes that form the foundation of the selected alternative, i.e., providing for ecological sustainability, emphasizing recreational, educational, and cultural opportunities, and providing for renewable and nonrenewable energy production and adaptively managed livestock use that contribute to local economies should make the Cibola Grasslands a healthy and enjoyable place to work, reside near, or visit. Therefore, I find no disproportional effects to minority or low-income populations will occur from implementing the selected alternative.

Implementation Schedules and Budgets

The new Cibola Grasslands plan will be implemented through a series of project-level decisions based on site-specific environmental analysis and public involvement. The plan seeks to guide management activities and projects by establishing a clear desired condition for the Cibola

Grasslands and for each management area, rather than by establishing schedules for actions. This approach should leave more flexibility for managers to adapt program and project selection as changes take place in budgets, resource capabilities, and management priorities.

Outputs in the FPEIS are projections of probable outcomes. They were used to approximate activities and practices, in order to estimate the likely environmental effects of following the direction provided by the Cibola Grasslands plan.

During implementation, specific projects and activities will be proposed and analyzed. These analyses will be documented in the appropriate NEPA documents, i.e., environmental assessments, environmental impact statements, or categorical exclusions. Projects, practices, and activities will be designed to achieve the goals, desired conditions, and objectives described in parts 2, 3, and 4 of the new Cibola Grasslands plan.

Monitoring and Evaluation

Monitoring and evaluation is used to assess the degree to which on-the-ground management is maintaining or making progress toward the goals, desired conditions, and objectives in the plan. The monitoring program is described in part 6, “Monitoring Elements,” of the Cibola Grasslands plan. This monitoring program was developed with public participation and focuses on key plan components where management projects and activities are likely to cause a change over time.

Specific monitoring questions are identified and directly linked to plan desired conditions, objectives, standards, and specific regulatory requirements. Only selected goals, objectives, and standards are monitored. Relevancy to issues, compliance with legal and Agency policy, scientific credibility, administrative feasibility, long- and short-term budget considerations, and impact on workforce all influence monitoring priorities.

Monitoring information will be evaluated and used to update inventory data, improve current and future mitigation measures, and assess the need to change the Cibola Grasslands plan. Evaluation of monitoring results is directly linked to the decision maker’s ability to respond to changing conditions, emerging trends, public concerns, and new information and technology. No single monitoring item or parameter automatically triggers a change in plan direction. An interdisciplinary approach is used to evaluate information and decide what changes are needed.

Plan Amendments

The new Cibola Grasslands plan is a dynamic instrument that can be changed with appropriate public involvement and environmental analysis. Through the life of the new plan, amendments may be needed to incorporate new information, new policy and direction, or changing values and resource conditions. Amendments will keep the new plan current, relevant, and responsive to Agency and public concerns. Amendments are needed whenever any of the new plan decisions should be changed due to any of the above conditions. The new plan also can be amended for specific projects if during project design it is determined that the best method of meeting goals and objectives conflicts with existing standards.

A 3-year transition period for plan amendments begins on the effective date of April 9, 2012, the date of publication of the 2012 Planning Rule in the Federal Register. During the transition period, with respect to plans approved under the transition provisions of the reinstated 2000 rule

(74 FR 77062, December 18, 2009), plan amendments may be initiated under the provisions of the 1982 Planning Rule (except for the optional appeal procedures of the 1982 Rule Provisions), or may conform to the requirements of the 2012 Planning Rule. Plan amendments initiated after the transition period must conform to the requirements of the 2012 Planning Rule.

Under the 1982 planning provisions, amendments may be significant or nonsignificant. The forest supervisor may implement nonsignificant amendments to the revised forest plan after appropriate public involvement and environmental analysis. The regional forester approves significant amendments.

Findings Related to Other Laws and Authorities

I have considered the statutes governing management of the Cibola Grasslands, and I believe that this decision represents the best possible approach to both harmonizing and reconciling the current statutory duties of the USDA Forest Service. Following are summaries of how the new Cibola Grasslands plan addresses the Clean Air Act, Clean Water Act, National Historic Preservation Act, and Endangered Species Act.

Clean Air Act

As discussed in the FPEIS, chapter 3, “Air Resources” section, all lands managed by the Cibola Grasslands are currently in attainment with National Ambient Air Quality Standards. According to the Clean Air Act of 1990 and the Organic Administration Act of 1897, the USDA Forest Service has the responsibility to protect air, land, and water resources from the impacts of air pollutants produced within the Forest Service boundaries and to work with states to protect those same resources from degradation associated with the impacts of air pollution emitted outside of Forest Service lands.

Clean Water Act

The new Cibola Grasslands plan contains direction to ensure all projects meet or exceed state best management practices prepared under guidance of the Clean Water Act. Direction for the protection of water resources is located in the “Water and Watersheds Guidelines” section and in appendix D, “Other Sources of Information, Regulations, MOUs, and Guidance” of the new plan. Implementation of the new plan is expected to contribute to protecting or restoring the physical, chemical, and biological integrity of waters of the United States in accordance with the Clean Water Act.

National Historic Preservation Act

The new Cibola Grasslands plan is a programmatic action and does not authorize any site-specific projects. Projects undertaken in response to direction in the new Cibola Grasslands plan will fully comply with the laws and regulations that ensure protection of cultural resources. The new plan contains direction for cultural resource management, including direction to integrate cultural resource management with other resource management activities. Since the new plan does not authorize ground-disturbing activities, consultation with the New Mexico, Oklahoma, and Texas State Historic Preservation Offices (SHPO) under the National Historic Preservation Act, is not required. The Cibola Grasslands plan tiers to the programmatic agreement among the USDA Forest Service, the New Mexico, Oklahoma, and Texas State Historic Preservation Officers, and

the Advisory Council on Historic Preservation regarding the process for compliance with Section 106 of the National Historic Preservation Act. It is my determination that the new Cibola Grasslands plan complies with the National Historic Preservation Act and other statutes that pertain to the protection of cultural resources.

Endangered Species Act Section 7: Consultation

A biological assessment (BA) was prepared for the new Cibola Grasslands plan (FPEIS, appendix M). The federally threatened Arkansas River shiner (*Notropis girardii*), the endangered Interior Least Tern (*Sterna antillarum athalassos*), and the candidate species Lesser-Prairie chicken (LPC) are the only federally listed or candidate species occurring in the vicinity of the Cibola Grasslands, though not actually on the planning area. The determination in the BA is that the selected alternative ***may affect, not likely to adversely affect*** either listed species or candidate species or designated critical habitat for the Arkansas river shiner. Additionally, the Cibola National Forest and National Grasslands and the regional forester have made determinations of “no effect” for five listed species, some with critical habitat, that do not occur on the Cibola Grasslands. These species are: the federally endangered Southwestern Willow Flycatcher (*Empidonax traillii extimus*); the federally endangered black-footed ferret (*Mustela nigripes*); the federally endangered Whooping Crane (*Grus Americana*); the federally threatened Mexican Spotted Owl (*Strix occidentalis lucida*); and the federally threatened Piping Plover (*Charadrius melodus*). The Piping Plover occurs as an occasional migrant in Colfax County, New Mexico, where the Kiowa NG administers approximately 3.5 sections. None of the other four species occur in a county in which the Cibola Grasslands reside.

The USDI Fish and Wildlife Service was informally consulted and has concurred with this determination. Their concurrence document is located in appendix M of the FPEIS.

Effective Date

The new “Land and Resource Management Plan for the Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands” will become effective 30 days from the date that the Environmental Protection Agency’s Notice of Availability of the FPEIS appears in the Federal Register.

Appeal Information

For plan revisions conducted under the “1982 planning regulations,” the responsible official can elect to use either the “Optional Procedures Available during the Planning Rule Transition Period” (the former 36 CFR 217 appeal procedures that were in effect prior to November 9, 2000; henceforth referred to as the Optional Appeal Procedures) or the Objection procedures of 36 CFR 219.50 from the 2012 planning rule. For this decision, I have decided to use the “Optional Appeal Procedures.”

A written notice of appeal must be filed in duplicate and postmarked or received within 90 days after the date the legal notice of this decision is published in the newspapers of record for the Cibola Grasslands (Union County Leader in Clayton, New Mexico; Boise City News in Boise City, Oklahoma; The Dalhart Texan in Dalhart, Texas; Cheyenne Star in Cheyenne, Oklahoma; The Canadian Record in Canadian, Texas; and The Pampa News in Pampa, Texas). The appeal must clearly state that it is a “Notice of Appeal being filed pursuant to the Optional Appeal Procedures.” Appeals must meet the content requirements of Section 9 of the Optional Appeal Procedures, which are available for review at:
<http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf>

Appeals must be filed with the Chief of the Forest Service at:

Express Mail:

USDA - Forest Service
Attn: EMC, Appeals
201 14th Street, SW
3rd Floor Central
Washington, DC 20250

Regular Mail:

USDA - Forest Service
Attn: EMC, Appeals
Mail Stop 1104
1400 Independence Avenue, SW
Washington, DC 20250-1104

The notice of appeal must be fully consistent with the Optional Appeal Procedures and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to the Optional Appeal procedures;
- The name, address, and telephone number of the appellant;
- Identification of the decision to which the appeal is being made;
- Identification of the document in which the decision is contained, by title and subject, date of the decision, and name and title of the deciding officer;
- Identification of the specific portion of the decision to which the appeal is made;
- The reasons for appeal, including issues of fact, law, or regulation, or policy and, if applicable, specifically how the decision violates law, regulation, or policy; and
- Identification of the specific change(s) in the decision that the appellant seeks.

Requests to stay the approval of this land and resource management plan shall not be granted (Optional Appeal Procedures, section 217.10(b)).

Final decisions on proposed projects will be made on a site-specific basis using appropriate analysis and documentation in compliance with NEPA. Project decisions may be subject to appeal at that time.

I encourage anyone concerned about the new “Land and Resource Management Plan for the Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands” or FPEIS, or who would like more information, to contact:

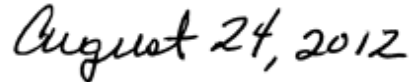
Nancy Rose
Forest Supervisor
Cibola National Forest and National Grasslands
2113 Osuna Rd., NE
Albuquerque, NM 87113

Approval

I am pleased to announce my decision to select alternative B for the new “Land and Resource Management Plan for the Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands.” This new plan has been built on a strong foundation of citizen collaboration, the best available science, and engagement with other conservation agencies and organizations.



CORBIN L. NEWMAN, JR.
Regional Forester
Southwestern Region, USDA Forest Service



Date